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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,063	10/06/2000	Tsunetake Noma	202708US6	2851
22850	7590	05/10/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 05/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

XU

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/684,063	NOMA, TSUNETAKE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Philip C Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

1. This action is responsive to the amendment and remarks filed on March 18, 2004.
2. Claims 1-9 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections – 35 USC 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Agraharam et al, U.S. Patent 5,956,482 (hereinafter Agraharam).

7. Agraharam was cited in the last office action.

8. As per claims 1 and 4-5, Agraharam taught the invention as claimed for providing a service to a plurality of information processing apparatuses accessing a shared server on a network (abstract), comprising:

storage means for storing a group to which some of the information processing apparatuses belong (col. 4, lines 66-col. 5, lines 10; col. 5, lines 57-col. 6, lines 3);  
reception means for receiving request information transmitted from any of the information processing apparatuses (col.3, lines 65-col. 4, lines 2; col. 4, lines 11-44);  
acquisition means for acquiring data coordinated with the request information (col. 4, lines 45-59); and

communication means for transmitting the data acquired by said acquisition means simultaneously to those of the information processing apparatuses accessing the shared server. (col. 4, lines 59-col. 5, lines 10; col. 3, lines 30-32; col. 4, lines 59-65).

9. As per claim 2, Agraharam taught the invention as claimed in claim 1 above. Agraharam further taught wherein the data is music data, and the request information includes a selection of particular music data (col. 2, lines 58-63; col. 3, lines 60-64).

10. As per claim 3, Agraharam taught the invention as claimed in claim 1 above. Agraharam further taught comprising transmission means for receiving text data transmitted from any of the information processing apparatuses accessing the shared server and transmitting the text data to the at least one other information processing apparatus accessing the shared server (col. 2, lines 58-63; col. 4, lines 66-col. 5, lines 10).

11. As per claims 6 and 8-9, Agraharam taught the invention as claimed for accessing a service providing apparatus, which provides services on a network, together with other information processing apparatuses accessing a shared server on the same network and enjoying the services of the service providing apparatus (abstract), comprising:

inputting means for inputting access information for accessing the service providing apparatus (col. 5, lines 40-45);  
display control means for controlling display of contents of the services transmitted from the service providing apparatus (col. 6, lines 4-23);  
requesting means for selecting a predetermined service from among the services and requesting the service providing apparatus for transmission of the selected service to said information processing apparatus and the other information processing apparatuses accessing the shared server (col. 3, lines 65-col. 4, lines 2; col. 4, lines 11-44; col. 4, lines 59-col. 5, lines 10; col. 3, lines 30-32; col. 4, lines 59-65)  
reception means for receiving data transmitted from the service providing apparatus (col. 4, lines 66-col. 5, lines 3); and  
reproduction means for reproducing the data (col. 4, lines 59-65).

12. As per claim 7, Agraharam taught the invention as claimed in claim 6 above. Agraharam further taught wherein the services are table information of the data to be provided from the service providing apparatus, and the data is music data (col. 2, lines 58-63; col. 3, lines 60-64).

13. Applicant's arguments with respect to claims 1-9, filed 3/18/04, have been fully considered but are not deemed to be persuasive and are moot in view of the new grounds of rejection.

14. In the remark applicant argued that

(1) Agraharam does not teach the use of a shared server.

15. In response to point (1), Agraharam taught wherein data is delivered simultaneously to those of the information processing apparatuses accessing the shared server. (col. 4, lines 59-col. 5, lines 10; col. 3, lines 30-32; col. 4, lines 59-65).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (703) 305-7721.

19. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee  
May 4, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100